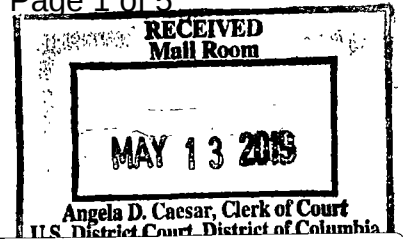


UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA



FULVIO FLETE-GARCIA

V

U.S. DEPARTMENT OF JUSTICE

Case: 1:19-cv-01420  
Assigned To : Unassigned  
Assign. Date : 5/13/2019  
Description: FOIA/Privacy Act (I-DECK)

PETITION FOR PRELIMINARY INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT :

7018 2290 0000 1197 3709

Now comes the Plaintiff FULVIO FLETE-GARCIA prose in the above styled and numbered cause and files this first original PETITION FOR PRELIMINARY INJUNCTION against the UNITED STATES DEPARTMENT OF JUSTICE and in support thereof offers all of the following facts and circumstances:

DISTRICT COURT JURISDICTION  
OVER THE PETITION

This Honorable court has jurisdiction over the PETITION FOR PRELIMINARY INJUNCTION pursuant to THE FREEDOM OF INFORMATION ACT 5 USC 552 et seq. and FEDERAL RULES OF CIVIL PROCEDURE RULE 65.

VENUE

Venue in the District of Columbia is authorized by the Freedom of Information Act 5 USC 552 (a)(1)(6)(B) which indicates in relevant part as follows : "The district court in the District of Columbia has jurisdiction to enjoin the united states from withholding agency records and to order the production of records improperly withheld "therefore venue in the district of Columbia is appropriate.

PARTIES

The Plaintiff is FULVIO FLETE-GARCIA register number 24190-038. The plaintiff is a federal prisoner in the Federal Bureau Of Prisons currently residing at the Federal corrections

institution in the city of Glenville W.V. P.O.Box 6000 zip code 26351. The plaintiff is serving a 156 month federal prison sentence for the violation of 8 USC 1326 ,42 USC 402 (a)(7)(B) and 18 USC 1028 (a).

The defendants are the UNITED STATES DEPARTMENT OF JUSTICE . The defendants can be serve with citation at 600 E.Street N.W. room 7300 Washington D.C.20530.

COMPLAINT NO.1

On or about July 12,2018the plaintiff mailed a Freedom of information Act request to the defendants the United States Department of Justice . The request was received by the defendants on or about July 16,2018.

On or about August 1,2018 the defendants acknowledged the request in a letter dated August 1,2018. In the letter mentioned here above ,the defendants requested the plaintiff to execute a certificate of identity form as a pre-condition to processing the request (PLEASE SEE EXHIBIT A)

the Plaintiff executed the certificate of identity on August 1,2018 and mailed it to the UNITED STATES DEPARTMENT OF JUSTICE on August 3,2018 by certified mail No. 7017 2400 0000 5515 6164 . The defendants received the certificate of identity on or about August 10,2018. The defendants processed the request on or about August 30,2018 VIA form letter of 8-30-18 SINCE THAT TIME MORE THAN NINE (9) MONTHS HAVE LAPSED AND THE DEFENDANTS HAVE NOT RELEASED THE RECORDS REQUESTED BY THE PLAINTIFF .

Specifically the plaintiff requested all of the following records :Criminal Case Number 1:15-cr-10381(LTS) transcripts of the ORIGINAL COMPLAINT AND THE CRIMINAL AFFIDAVIT, MINUTES OF THE GRAND JURY,AUDIO RECORDINGS,DISCOVERY, AND THE GRAND JURY MINUTES OF THE SUPERSEEDING INDICTMENT

COMPLAINT NO.2

On or about August 1,2018the Plaintiff filed a Freedom of information Act request with the defendants for the release of agency records. The request was received by the defendants on or about August 30,2018 . The defendants assigned FOIA number EOUSA-2018-005394 to the request , (PLEASE SEE EXHIBIT B).

during the months of July 2018 ,August 2018, September 2018 and April 2019 respectfully  
SINCE THAT TIME MORE THAN NINE(9) MONTHS HAVE LAPSED FOR THE JULY 2018 REQUEST AND  
THE AUGUST 2018 REQUEST . MORE THAN SIX(6) MONTHS HAVE LAPSED FOR THE SEPTEMBER 2018  
REQUEST AND FINAL MORE THAN THIRTY(30) DAYS HAVE LAPSED FOR THE APRIL 2019 REQUEST .

THE DEFENDANTS ARE ILLEGALLY  
WITHHOLDING THE RECORDS IN  
VIOLATION OF THE FOIA

The defendants are illegally withholding the records and have failed to comply with  
5 USC 552 (a)(1)(3)(A), THE DEFENDANTS DO NOT POINT TO ANY OF THE EXEMPTIONS UNDER  
5 USC 552(a)(1)(8)(A)(b(1)(2)(3)(4)(5)(6)(7)(8)(9)(c)(1)(2)(3) AS A BASIS FOR WITHHOLDING  
THE RECORDS

THE PLAINTIFF ASSERTS THAT THE RECORDS ARE GOVERNED BY THE FOIA ND THAT THE PLAINTIFF  
IS ENTITLED TO COPIES OF THE RECORDS AS A MATTER OF LAW THEREFORE THE PLAINTIFF IS  
LIKELY TO SUCCEED ON THE MERITS OF THE CASE .

THE PLAINTIFF WILL BE IRREPARABLY INJURED  
IF THE INJUNCTION IS NOT GRANTED

The records are exculpatory in nature. The records will show that the plaintiff is  
entitled to relief from a judgement of conviction related to criminal case No,§1:15-cr10381  
and criminal case No.1:15-cr-10139.

The plaintiff will suffer irreparable harm by remaining in illegal custody to serve out  
an illegal sentence and conviction of 156 months in Federal Prison.

The plaintiff is set to suffer loss of freedom ,los of income ,loss of consortium  
and any other general losses which are not recoverable .

THE INJUNCTION WILL NOT SUBSTANTIALLY  
INJURE THE DEFENDANTS

The issuance of the PRELIMINARY INJUNCTION will not substantially harm the defendants. The release of the records by the defendants to the plaintiff is governed by the FREEDOM OF INFORMATION ACT 5 USC 552(a)(1)(8)(A)(b)(1)(2)(3)(4)(5)(6)(7)(98)(9)(c)(1)(2)(3) which authorizes the defendants to assert the exemptions to the records requested by the plaintiff and prevent any harm from occurring against the defendants via the LAWFUL WITHHOLDING OF RECORDS AND SUSTAINED REDACTIONS OF INFORMATION WITHIN THE RECORDS . THEREFORE NO SUBSTANTIAL HARM WILL OCCURE IF THE INJUNCTION ISSUES AGAINST THE DEFENDANTS.

THE PUBLIC INTREST

The plaintiff believes that it is in the public intrest to release the records requested by the plaintiff to inform the public about the buisness of the government and how the government administrates criminal justice public policy against minority members of the general U.S.population and access to justice and the courts .

FINAL

THIS PETITION FOR PRELIMINARY INJUNCTION IS INTENDED TO REQUEST THE COURT TO ISSUE A PRELIMINARY INJUNCTION AGAINST THE DEFENDANTS TO PREVENT IT FROM ILLEGALLY WITHHOLDING AGENCY RECORDS SPECIFICALLY THE PLAINTIFF REQUEST THE COURT TO ORDER THE DEFENDANTS TO RELEASE ALL OF THE FOLLOWING RECORDS .

(1)Criminal case No.1:15-cr-10381(LTS)transcripts of the original complaint and the criminal affidavit, minutes of the grand jury, audio recordings, discovery, and the grand jury minutes of the superseeding indictment ,

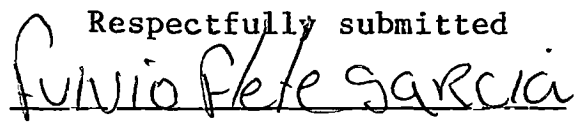
(2)Criminal case No.1:15-cr-10139(PBS)Transcripts of the grand jury minutes, discovery papers, transcripts of the initial court appearance of May 4, 2015, transcripts of the arraignment hearing of June 11, 2015, transcripts of the intrim status conference of July 23, 2015, any and all U.S. Marshalls records or documentation indicating the times and the dates that Fulvio Flete-Garcia was transported to the Federal Court House and returned to the detention facility from May 4, 2015 to August 10, 2018.

(3) Criminal case No. 1:15-cr-10139 A complete copy of the email mentioned in the court transcripts . The copy of the email can be found on page two (2) paragraph three(3) sentence 13,14;15,16 and 17(the copy of the transcripts dated July 23,2015 is attached and marked exhibit D ) A complete copy of the audio records related to EXHIBIT D . Audio of the initial appearance of May 4,2015 related to EXHIBIT E. Audio of the arraignment appearance of June 11,2015 related to EXHIBIT F. A copy of the Grand Jury Minutes related to case No.1:15-cr-10139 for June 4,2015

(4)Copy of the discovery package related to Criminal case No.1:15-cr-10381  
(5)Copy of the discovery package related to crimina case No.1:15-cr-10139

### CONCLUSION

PLAINTIFF ASSERTS THAT THE DEFENDANTS ARE ILLEGALLY WITHHOLDING THE RECORDS MENTIONED HERE ABOVE IN VIOLATION OF THE FREEDOM OF INFORMATION ACT 5 USC 552 Etseq. The plaintiff believes that he is entitled to the relief requested and the THE PETITION FOR PRELIMINARY INJUNCTION should issue directing the defendants to produce the agency records mentioned here .

Respectfully submitted  


Fulvio Flete-Garcia  
Register No. 24190-038  
P .O. Box 6000  
Glenville W.V. 26351

May 11,2019